

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HOPE STOFFLET,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	No. 02-CV-2676
	:	
K.K. FIT, INC. d/b/a GOLD'S GYM,	:	
KURT KRIEGER and KRIS KRIEGER,	:	
Defendants.	:	

MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFF'S AMENDED COMPLAINT

Defendants K.K. Fit, Inc., Kurt Krieger and Kris Krieger, through their undersigned counsel, hereby move for a 30-day extension to respond to the Amended Complaint filed against them, and in support thereof state as follows:

1. This action involves statutory claims of discrimination under Title VII of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act, along with a common law claim of intentional infliction of emotional distress. The Amended Complaint is full of factual detail and names several witnesses who allegedly have pertinent information with respect to Plaintiff's averments.

2. On June 17, 2002, Defendants retained John L. Senft, Esquire, and the law firm of Barley, Snyder, Senft & Cohen, LLC to represent them in the above-referenced matter.

3. On June 18, 2002, Mr. Senft spoke with Plaintiff's counsel David L. Deratzian, Esquire. At this time, Mr. Deratzian represented that Defendants had been served via private process server on June 6, 2002. Based on Mr. Deratzian's representations and the time deadlines established by the Federal Rules, Defendants' response to the Amended Complaint would be due on or before June 26, 2002.

4. Defendants Kurt Krieger and Kris Krieger were on vacation at the time they retained Mr. Senft as defense counsel, and they will remain on vacation through the end of June.

5. Mr. Senft has a pre-arranged vacation for the first two weeks of July, and will be returning to the office on July 15, 2002.

6. Since the individual Defendants are presently on vacation, Mr. Senft has not had an opportunity to meet with them or to review any documentation in their possession or to conduct any meaningful investigation with respect to the background facts.

7. Defendants were represented by Sara A. Austin, Esquire before the Pennsylvania Human Relations Commission and the Equal Employment Opportunity Commission with respect to Plaintiff's statutory claims under Title VII and the Pennsylvania Human Relations Act. Ms. Austin has been unwilling to transfer her file to Mr. Senft without a confirmatory letter from Kurt Krieger and/or Kris Krieger. At the time this Motion was prepared, Mr. Senft had not been able to obtain this letter due to his clients' unavailability.

8. On June 18, 2002, Mr. Senft advised Mr. Deratzian that his clients were on vacation through the end of the month, and that Mr. Senft had a scheduled vacation during the first two weeks of July. Mr. Senft asked Mr. Deratzian for a 30-day extension to respond to the Amended Complaint.

9. Mr. Deratzian was unwilling to provide any extension.

10. Defendants' counsel is unable to provide a meaningful and factually correct response to the Amended Complaint at this time, as he has not been able to conduct a full and thorough investigation of the background facts since his clients are unavailable and prior counsel has been unwilling to turn over her file. As such, Defendants would be prejudiced if an extension is not granted.

11. Plaintiff will suffer no prejudice if a 30-day extension is granted, as no discovery schedule has been established, no trial date has been set, and the damages which she arguably would be entitled to receive should she prevail in this matter would not be affected by the short period of delay.

WHEREFORE, Defendants respectfully request that the Court grant a 30-day extension for them to file a response to the Amended Complaint in this matter.

Respectfully submitted,

John L. Senft, Esquire
Supreme Court No. 64486
Barley, Snyder, Senft & Cohen, LLC
100 East Market Street
P. O. Box 15012
York, PA 17405-7012
(717) 846-8888

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June, 2002, I served the foregoing Motion for Extension of Time and Brief in support thereof upon counsel for Plaintiff by depositing the same in the United States mail, postage prepaid, at York, Pennsylvania, addressed as follows:

George S. Kounoupis, Esquire
Hahalis & Kounoupis, P.C.
20 East Broad Street
Bethlehem, PA 18018

John L. Senft, Esquire

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Defendants.	:	

ORDER

Upon consideration of Defendants' Motion for Extension of Time to Respond to Plaintiff's Amended Complaint and any opposition thereto, it is this _____ day of _____, 2002, hereby Ordered that Defendants' Motion is granted and that they shall respond to Plaintiff's Amended Complaint on or before July 26, 2002.

Judge, United States District Court for the
Eastern District of Pennsylvania